

#400
WB

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ABDALLAH GENDIA,

Plaintiff,

v.

DREXEL UNIVERSITY,

Defendant.

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:
:
:
:
:

Civil Action

HON.

No.

20

1104

FILED

FEB 25 2020

KATE BARKMAN, Clerk
By Dep. Clerk

COMPLAINT (CIVIL ACTION)

I. INTRODUCTION

1. This action is for damages and other relief arising from defendant's violation of plaintiff's rights under Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688 [hereinafter "Title IX"].

II. JURISDICTION AND VENUE

2. This Court has jurisdiction over Plaintiff's federal cause of action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1334.
3. Venue is properly laid in this District, as all parties are found therein and all acts and events giving rise to the complaint occurred therein.

III. PARTIES

4. Plaintiff Abdallah Gendia is an adult male who, at all times relevant hereto and up until the time of his separation from it, attended Drexel University.
5. Drexel University is a private university that receives federal funding. At all times material hereto, Drexel University (hereinafter "Drexel"), by and through its chief policy making officials, agents, employees, and/or representatives, promulgated, maintained,

FEB 25 2020

and implemented the policies, practices, and procedures referenced herein, including those related to Title IX

6. Nonparty “Mary Roe” is an adult female who, at all relevant times, was a student attending Drexel and whose identity is known to defendant but is referenced herein as Mary Roe to protect her privacy.

IV. ALLEGATIONS OF MATERIAL FACTS

7. In or about summer 2016, Gendia and Mary Roe (hereinafter “Roe”) began a romantic relationship.
8. At that time, Gendia was matriculating full-time at Drexel, and had no prior criminal record.
9. Gendia and Roe ended their relationship in or around December 2017.
10. Nevertheless, after ending their romantic relationship they continued to communicate, and to spend time with each other.
11. The relationship between Gendia and Roe was characterized by emotional volatility, including a cycle of separation and reconciliation, but not violence.
12. Over the course of their relationship, and continuing after it ended, Roe publicly expressed willingness to engage in, and did in fact engage in, self-harm, including “cutting.”
13. On March 1, 2018, after her relationship with Gendia had ended, Roe filed a complaint with Drexel against Gendia, alleging acts of intimate partner violence, stalking, and sexual harassment.
14. The bases for Roe’s complaint were: (1) an allegation that Gendia had choked her in August 2017; (2) an allegation that Gendia threatened to kill her dog in August 2017; and

(3) an allegation that Gendia had punched her in the head, causing her injury, in February 2018.

15. The allegations that Gendia had choked and punched Roe were unfounded and untrue, and Gendia did not threaten Roe that he would kill her dog.

16. Gendia filed a complaint against Roe two days later, on March 3, 2018, alleging acts of harassment based on citizenship status, religion, national origin, and race, and acts of intimate partner violence and stalking, all of which were documented in written correspondence.

17. The bases for Gendia's complaint were: (1) an allegation that Roe eavesdropped on conversations inside his apartment while she was outside; (2) allegations that Roe sent harassing text messages threatening to destroy his property and disparaging him on the basis of race, religion, citizenship status, and national origin, and (3) an allegation that she waited outside his apartment door and then attempted to punch him in the face.

The August 2017 Incidents

18. During their relationship, in August 2017, on a date not presently known, Gendia and Roe attended a party at a fraternity house at which fraternity Gendia was a member.

19. While at the party, Gendia and Roe got in a verbal argument, and Gendia was asked to leave, which he did.

20. Roe also left and returned to her apartment with a group of friends, where they drank alcohol and smoked marijuana.

21. Roe was consuming alcohol with her cohort.

22. At some point, Roe left her apartment and went to Gendia's.

23. At that time, Roe was visibly intoxicated, as she could not keep her balance and was slurring her speech, and was visibly upset.
24. At Gendia's apartment, Roe verbally confronted Gendia in front of his friend.
25. Later, Roe alleged that while talking to Gendia outside his apartment, (a) he pinned her against the wall, (b) choked her, (c) such that she could not breathe.
26. Gendia did not touch her except to catch her to prevent her falling and injuring herself.
27. Roe left a slipper in front of Gendia's apartment, which he soon thereafter returned.
28. On a separate occasion in August 2017, during a phone call with Roe, Gendia made a comment about her dog, and immediately thereafter disavowed any actual, serious intention of harming it.
29. Gendia's comment about Roe's dog was an idle threat borne of frustration during a phone call that lasted over an hour, qualified many times as such, with no objective indication that the comment could be understood as anything else.
30. Roe did not tell anyone, except her friend who she was with during her phone call with Gendia, about the comment or conversation until her March 1, 2018 complaint.
31. Roe's dog was never harmed or put in harm's way.

February 2018 Incident

32. In February 2018, Gendia was living in an apartment at 3512 Lancaster Avenue, a multi-unit property primarily renting to students.
33. At that time, Roe lived elsewhere.
34. On or about February 24, 2018, Roe came to 3512 Lancaster Avenue, where her friend lived, and without began texting Gendia without solicitation from him.

35. Her messages to Gendia indicated she was at 3512 Lancaster and was upset with him, and included profanity-laden threats to harm him and his property.
36. When Gendia returned to his apartment, he was accompanied by a friend.
37. Roe confronted Gendia, in the presence of his friend, on the steps leading to his apartment, which staircase was near a common area, and began a verbal altercation.
38. Roe, standing approximately two steps above Gendia, attempted to hit him.
39. Gendia braced himself and covered his head.
40. She missed, lost her balance, and fell, injuring her head.
41. Gendia and his friend called 911 and brought Roe inside his apartment.
42. Gendia administered basic care to Roe while waiting for medical assistance to arrive.
43. Gendia accompanied Roe to the hospital, where she was treated with stitches for her lacerated forehead .
44. A report of the incident noted Roe's apparent intoxication during the foregoing incident.
45. Roe falsely reported to the hospital and the Drexel Police Department that her injury was the result of Gendia punching her.
46. Gendia was then arrested.
47. Three days later, Roe further embellished the incident by alleging that Gendia was holding keys between his fingers when he struck her.
48. Gendia was charged with several crimes related to Roe's false allegations pertaining to this February 24 incident.
49. Prior to July 5, 2018, Gendia was ultimately acquitted of all charges.

Title IX Investigation and Process

50. After receiving Roe's Title IX complaint, as set forth hereinabove, Drexel began investigating the incident.
51. That investigation was undertaken by Drexel despite its knowledge that Gendia was facing criminal charges relating to one of the incidents alleged by Roe, and had been provisionally banned from campus after an ex-parte restraining order was entered for the benefit of Roe and against him.
52. As a result, Gendia missed the end of his academic term and was unable to complete final exams.
53. Gendia was advised that the provisional ban from campus would be lifted if the restraining order was appropriately modified.
54. Gendia, through counsel, successfully obtained a modification of the restraining order that, by its terms, would not bar him from Drexel's campus.
55. Gendia came to campus to deliver the modified restraining order, as he had been directed by Drexel administrators to do.
56. However, he was advised by Drexel that he was permanently banned from campus, pending the outcome of the Title IX investigation, because, by following Drexel's directive to deliver the modified restraining order, he had "violated" the provisional ban.
57. Gendia's ban from campus had the effect of inhibiting his ability to defend himself and prove his affirmative allegations.
58. Drexel determined to impose an unconditional ban on Gendia's access to campus knowing the ban would detrimentally affect his ability to defend himself and expose him to greater risk of discipline.

59. No similar restrictions were placed on Roe although she too was accused of violence and harrasment directed at Gendia.
60. In an early meeting with Jenna Perez, Gendia denied the allegations that he had hit Roe, and Perez responded that she believed Roe and Gendia would be responsible for disproving the allegations against him if he was to avoid discipline.
61. At all times material hereto, Perez and Drexel administrators knew that, because of the parallel criminal proceeding and the meritless allegations against him, Gendia could not respond to Drexel's requests for information from him without jeopardizing his Firth Amendment rights.
62. After his acquittal, Gendia demanded Drexel have an expert evaluate his claim that Roe's injury to her head was the result of the blunt force trauma of falling to the ground off-balance.
63. Drexel did retain an expert, and, consistent with Drexel's pre-determined outcome, offered an opinion to undermine Gendia's claim that Roe fell, specifically opining that she did not fall.
64. Drexel shared the expert's report with Gendia just days before the adjudicatory hearing and refused to allow him time to produce a rebuttal report.
65. The investigation led by Perez was biased, incomplete, and materially defective in many regards, including but not limited to:
- a. Assuming the veracity and credibility of Roe's account before the investigation had begun;
 - b. Assuming Gendia's guilt from the outset;

- c. Maintaining an investigatory and adjudicatory system that favors female students at the expense of male students.
 - d. Asking gender-biased questions of Gendia, framed in such a way that he was asked to disprove Roe's account (i.e., after Gendia offered an explanation of his interaction with Roe that resulted in her injury, his account was treated dismissively and he was asked aggressively "then how did she get cut?");
 - e. Penalizing Gendia, by finding it probative of his guilt or fault, that he did not respond to requests for information by Drexel administrators, despite facing related criminal charges and that such requests could not be honored without jeopardizing Gendia's Fifth Amendment rights.
 - f. Excluding non-relevant evidence offered by Gendia while admitting non-relevant evidence from Roe, i.e., the investigation report did not include Gendia's documented evidence of Roe's acts of self-harm or comments about brown people/professors, but included Roe's unsubstantiated testimonial evidence of Gendia's self-harm.
66. Throughout the investigation, Perez and Drexel were aware of its deficiencies, including but not limited to its failure to consider Roe's lack of credibility.
67. Drexel's Title IX training materials for taking reports and carrying out investigations on campus sexual assault inherently portray women as the victim of men.
68. Drexel has also distributed to students on campus documents that titled "Date Rape/Acquaintance Rape" that portray only women as victims of sexual assault and only men as perpetrators. The document provides "Advice for Women" to avoid rape while

providing “Advice for Men” to “[t]hink about whether you really want to have sex with a woman who does not want to have sex with you.”

69. Drexel’s investigation and subsequent adjudication was consistent with its own operating procedures and policies, which resulted in unfair, discriminatory, and erroneous outcomes. The defects in Drexel’s policies which produce unfair, discriminatory, and erroneous outcomes include:

- a. Permitting a Title IX investigation to occur in tandem with a criminal prosecution;
- b. A practice effectively requiring accused students to give statements and/or testimony about the incident, even when the accused is subject to criminal prosecution for the same facts;
- c. A policy or practice permitting an inference of guilt from an accused student’s silence or refusal to participate in the Title IX investigation
- d. Permitting the imposition of greater discipline when an accused student maintains his or her innocence

70. On June 26, 2018, an administrative hearing was held on the charges against both Gendia and Roe.

71. While each was permitted to have an attorney present, their attorneys were not permitted to cross-examine witnesses.

72. On July 5, 2018, Drexel found against Gendia regarding Roe’s complaints against him – that he had choked her, harassed her by threatening to kill her dog, stalked her with unwanted communications, threatened to engage in self-harm unless she continued their relationship, and punched her in the head causing a laceration.

73. Drexel found Roe stalked Gendia outside his apartment, harassed Gendia with threatening text messages, and stalked him outside his apartment then attempted to assault him.
74. The evidence does not support the finding of the adjudicator, a problem further compounded by the evidence withheld from the adjudicator by Drexel.
75. Drexel's report, written by hearing adjudicator Kelley Hodge, because it supported Drexel's pre-determined outcome and favored Roe while disadvantaging Gendia, accepted the testimony of a police officer that directly contradicted an earlier report written by the same officer.
76. On July 20, 2018, Drexel notified Gendia that he would be expelled and that Roe would be suspended for approximately six months.
77. Gendia and Roe each appealed their punishments.
78. On August 10, 2018, Drexel found the term of Roe's suspension was too severe, and modified its start date to protect her "co-op credits," and found Gendia's appeal was without merit and denied it.
79. As a result of the foregoing, Gendia failed a term's final exams (because he was not permitted on campus) and missed at least one additional term before his expulsion, suffered emotional and psychological harm, suffered harm to his personal and academic reputations, suffered harm to his opportunities to continue to pursue academic and employment opportunities, including a loss of earning capacity resulting from the delay in his education, was denied the benefits of the education at his chosen school, and retained an attorney for his defense against the disciplinary charges against him, all at great expense.

V. CAUSES OF ACTION

COUNT ONE
(TITLE IX)

80. Plaintiff incorporates each of the foregoing paragraphs as if set forth fully herein.
81. Title IX prohibits discrimination on the basis of sexing education programs or activities operated by recipients of federal financial assistance.
82. Drexel is an education program receiving Federal financial assistance.
83. Title IX bars the imposition of discipline against students where gender is a motivating factor in the decision to discipline.
84. The implementation of Drexel's policies as set forth more fully above comprise discriminatory against plaintiff, a male student, in favor of a female student, in violation of Title IX.
85. At all times material hereto, Perez and other Drexel agents and employees were "appropriate persons" as the term is construed under Title IX who had actual knowledge of the discriminatory treatment of Gendia, but took no action to halt or abate its effect, for which Drexel is therefore liable.
86. Plaintiff suffered the harms and damages alleged herein as a result of Drexel's violation of Title IX.

VI. JURY DEMAND

87. Plaintiff demands a jury determination of all issues so triable.

VII. PRAYER FOR RELIEF

WHEREFORE, plaintiff asks the Court to enter judgment in his favor and against defendant, and grant him the following relief:

- a. An award of general and compensatory damages;

- b. Reasonable counsel fees pursuant to 42 U.S.C. §1988(b);
- c. Such other relief as the Court deems just and equitable.

Respectfully submitted,

WILLIAMS CEDAR, LLC



Christopher Markos, Esquire
PA ID No. 308997
Gerald J. Williams, Esquire
PA ID No. 36418
1515 Market Street, Suite 1300
Philadelphia, PA 19102
P: 215-557-0099
F: 215-557-0673
cmarkos@williamscedar.com
gwilliams@williamscedar.com
Attorneys for Plaintiff

Dated: February 25, 2020

JS 44 (Rev. 02/19)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ABDALLAH GENDIA
201 Cobblestone Court
Monmouth Junction, NJ 08852

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Christopher Markos, Esquire Williams Cedar, LLC
1515 Market Street, Suite 1300
Philadelphia, PA 19102-1929 215.557.0099

DEFENDANTS

DREXEL UNIVERSITY
3141 Chestnut Street, Suite 103, Main Building
Philadelphia, PA 19104

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 449 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Title IX of Education Amendments of 1972, 20 U.S.C. Sections 1681-1688

Brief description of cause:

Damages and other relief arising from defendant's violation of plaintiff's civil rights.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

150,001

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
02/25/2020

SIGNATURE OF ATTORNEY OF RECORD

FEB 25 2020

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

FEB 25 2020

WB

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

20

1104

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 201 Cobblestone Court, Monmouth Junction, NJ 08852

Address of Defendant: 3141 Chestnut Street, Suite 103, Main Building, Philadelphia, PA 19104

Place of Accident, Incident or Transaction: Drexel University, Philadelphia, PA 19104

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when Yes is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 02/25/2020

Attorney-at-Law / Pro Se Plaintiff

308997

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☒ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Christopher Markos, counsel of record or pro se plaintiff, do hereby certify

☒ Pursuant to Local Civil Rule 53.2, § 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:☐ Relief other than monetary damages is sought.

DATE: 02/25/2020

Attorney-at-Law / Pro Se Plaintiff

308997

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

FEB 25 2020

WB

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

ABDALLAH GENDIA

v.

DREXEL UNIVERSITY

CIVIL ACTION

20

NO.

1104

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

02/25/2020

Date

Christopher Markos, Esquire

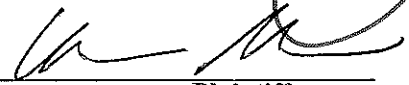
Attorney-at-law

215.557.0099

Telephone

215.557.0673

FAX Number


Attorney for Plaintiff

cmarkos@williamscedar.com

E-Mail Address

(Civ. 660) 10/02

FEB 25 2020